

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Dell Layfette Carter,)	Case No.: 0:14-cv-00865-TLW
)	
Plaintiff,)	
)	
vs.)	
)	
Rayford Ervin, <i>Clover Police Dept.</i> ; Frank)	
Sadler, <i>Clover Police Dept.</i> ; Gary Love,)	
<i>Clover Police Dept.</i> ; Richard Goach,)	
<i>Clover Police Dept.</i> ; Lessley Mosely,)	
<i>Clover Police Dept.</i> Magistrate Judge)	
Edward Harvey; Costa Pleicone, <i>Trial</i>)	
<i>Judge</i> ; Derham Cole, <i>Trial Judge</i> ; Social)	
Security Administration; Solicitor)	
Willy Thompson; Public Defender Harry)	
Dest;)	
)	
Defendants.)	
_____)	

ORDER

On March 12, 2014, the Plaintiff, Dell Layfette Carter, proceeding *pro se*, filed this civil action alleging violation of 42 U.S.C. § 1983. (Doc. # 1). Plaintiff filed a document captioned as an amended complaint on April 9, 2014. (Doc. #15).

The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by Magistrate Judge Paige J. Gossett, to whom this case had previously been assigned. (Doc. #30). In the Report, the Magistrate Judge recommends that this action be summarily dismissed without prejudice and without issuance and service of process. (*Id.*). Petitioner filed objections to the Report on May 21, 2014, and he filed two supplements to the objections, one on May 22, 2014, and one on May 27, 2014. (Docs. #36, 38, 39). The Court has

reviewed and considered the objections. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Magistrate Judge's Report and Recommendation (Doc. # 30). This Court notes, as indicated in the Report, that Plaintiff was convicted of armed robbery and assault and battery of a high and aggravated nature. (See Doc. #30, fn. 3). The Plaintiff's objections, (Docs. #36, 38, 39), are **OVERULED**. The Plaintiff's case is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

June 2, 2014
Columbia, South Carolina